

HOGAN et al
Serial No. 10/068,001

Atty Dkt: 2380-604
Art Unit: 2684

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS RESPONSE

By the current response, Applicants basically:

1. Amend claims 1, 5, 6, 54, 58, and 59.
2. Add new claims 87, 88, and 89.
3. Thank the Examiner for the indication of allowable subject matter in claims 5-14, 17-19, 46-48, 52-53, 58-65 and 69-72.
4. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-4, 15-16, 42-45, 50-51, 54-57 and 66-68 stand rejected under 35 USC §103(a) as being anticipated by U.S. Patent 6,889,040 to Koo et al in view of U.S. Patent 6,141,347 to Shaughnessy et al. All prior art rejections are respectfully traversed for at least the following reasons.

As amended, independent claims 1 and 54 include select limitations of allowable dependent claims 5 and 58, respectively, thus making independent claims 1 and 54 commensurate in scope with independent claim 42. Specifically, amended independent claims 1, 42, and 58 specify that the access group eligibility message is generated by a radio access network, but that the access group classification is generated by the core network. In other words, the core network decides to what groups the user equipment unit belongs, and separately the RAN broadcasts which groups can access which cells, with the user equipment unit making a comparison between the two sets of information (comparing access group classification and access group eligibility).

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Independent claims 1, 42, and 58 are not taught or suggested by U.S. Patent 6,889,040 to Koo and/or U.S. Patent 6,141,347 to Shaughnessy et al., either alone or in alleged and improper combination. Koo fundamentally concerns which protocol versions apply between the mobile station and the network. Koo transmits (from a base station to a mobile station) characteristics that identify a mobile station group that is restricted to using less than the most recent protocol revision¹ (col. 1, lines 38 – 43). In particular, Koo transmits a service restriction message 20 from base station 10 to mobile station 12. Message 20 comprises header 22 and a record portion 30. Record portion 30 includes a revision unit portion wherein mobile restriction is specified on such things as manufacturer code 70, model information 72, and firmware revision information 76.

Koo's thus does not teach a message sent to user equipment unit which classifies the user equipment unit, much less a group classification determined and generated by a core network. Koo's restriction criteria such as manufacturer code, model information, and firmware revision information cannot be core network-determined. Koo's Fig 1, element 14, 16, does not show an access group classification message as alleged in the office action. In fact, Koo does not mention a core network anywhere. There is no message in Koo for telling the mobile to which access group it belongs. Koo's mobile is given a list, and Koo's mobile has to use the list to figure out whether or not it is restricted. In Applicant's claimed system, on the other hand, the core network determines to which group a user equipment unit belongs, thereby (among other things) making it easier for the operator to change the groups that different UEs belong to (e.g., by just associating their IMSI with particular groups). Koo's classification is not generated or determined by a core network.

¹ Note that the Koo restriction is not against using the base station or a cell at all, but merely relegates the connection to an earlier protocol revision or a subset of the most current protocol revision (col. 1, page 40+).

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Nor do the applied references teach or suggest the subject matter of various dependent claims. Regarding claim 15, for example, Applicants fail to see any teaching or suggestion in Shaughnessy (col. 2 line 45 to col. 3 line 6, or elsewhere) about a location update response or reject message from the network to the subscriber unit telling the subscriber unit which access or restriction groups that unit belongs to.

Shaughnessy describes talk groups stored in memory in the subscriber unit. But talk groups are not the same as access or restriction groups. Nor are they mentioned anywhere in Shaughnessy as being communicated from the network to the subscriber unit in a message of any sort....let alone a location update response or reject message (as required by dependent claim 15).

Neither is there any such location update response or reject messages in Koo. Koo has two messages Fig 2 ...a broadcast message sent from the base station to one or all mobile stations, and Fig 3 a message sent in the *opposite direction* from a mobile station to a base station. The broadcast message in Koo seems to include the mobile group id, in such a way that the mobile must decide itself what group it belongs to (e.g. from manufacturer codes) etc.

As another example of merit in dependent claims, new dependent claims 87 – 89 require that the access group eligibility information comprises a subscriber group having a composition pre-agreed with a network operator. These new claims are supported, e.g., by paragraph 00015 of the specification as filed.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

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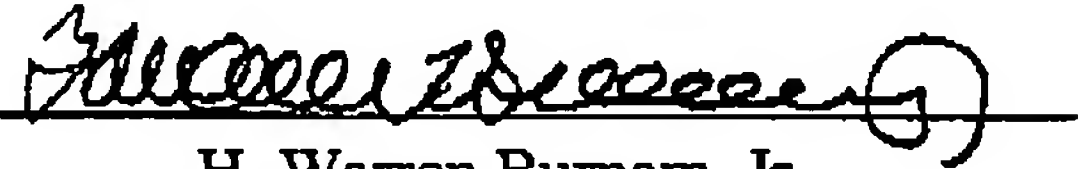
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The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

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